

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

NATIONAL ASSOCIATION FOR GUN
RIGHTS, INC., *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, IN HIS
OFFICIAL CAPACITY AS ATTORNEY
GENERAL OF THE UNITED STATES,
et al.,

Defendants.

Case No. 4:23-cv-00830-O

MOTION TO STAY DEADLINE TO RESPOND TO COMPLAINT

Defendants respectfully request that the Court stay the current deadline for Defendants to file an answer or otherwise respond to the Complaint. Defendants' current deadline to file an answer or otherwise respond to the Complaint is October 10, 2023. On August 15, 2023, Plaintiffs filed a motion for a preliminary injunction, ECF No. 22, and the Court held a hearing on that motion on October 2, 2023. The Court has not yet issued a decision on the motion for a preliminary injunction. In order to avoid unnecessary briefing of issues addressed in the preliminary injunction motion, Defendants request that the current deadline to file an answer or otherwise respond to the Complaint be stayed until 21 days after the Court issues a ruling on the motion for a preliminary injunction. In the event that Defendants file a motion to dismiss under Rule 12, Defendants would likely raise arguments that will be addressed in the decision on the preliminary injunction motion. A decision from the Court would therefore guide the

parties on how to address these issues in briefing. A reasonable amount of time after such a decision would therefore avoid unnecessary briefing from both Defendants and Plaintiffs.

Additionally, the press of other business makes it difficult for counsel for Defendants to prepare a response to the Complaint by the current deadline. In particular, defense counsel has spent a significant amount of time since Plaintiffs filed their Complaint preparing responses to the Motion for a Temporary Restraining Order and the Motion for a Preliminary Injunction and preparing for the hearing on the Motion for Preliminary Injunction. Under Federal Rule of Civil Procedure 12(a)(2), the government ordinarily has sixty days after service to respond to a complaint. Allowing Defendants twenty-one days beyond the Court's ruling on the Motion for Preliminary Injunction is reasonable under these circumstances.

A proposed order is attached. Counsel for Defendants conferred with counsel for Plaintiffs on this motion, and Plaintiffs oppose the relief sought herein. Plaintiffs indicated that they would agree to extend Defendants' current deadline from October 10, 2023 to October 13, 2023.

DATED: October 6, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN
Assistant Branch Director

/s/ Michael P. Clendenen
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Counsel for Defendants

On October 6, 2023, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Michael P. Clendenen